



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/663,776

09/17/2003

Byung K. Yi

2101-3239D1

2956

35884 7590 08/11/2008
LEE, HONG, DEGERMAN, KANG & SCHMADEKA
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

EXAMINER

DIEP, NHON THANH

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

08/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/663,776	Applicant(s) YI, BYUNG K.	
	Examiner Nhon T. Diep	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 75-79,90-97 and 99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 75-79,90-97 and 99 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/15/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 75-79, 90-93, 96-97 and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu.

Hsu discloses an image icon associated with caller ID comprising the same method for reducing bandwidth in a communications network, comprising:

pre-storing, in a receiving party called party terminal, a partial virtual image created by the receiving party (column 6, line 30-43) based on at least one of the receiving party's prior knowledge of a calling party and the receiving party's his/her own perception of the calling party (caller ID); and

displaying the virtual image on the receiving party called party terminal when a call is received from a terminal of the calling party (col. 4, ln. 3-16) as specified in claim 75; determining an identity of the calling party when the call is received, and retrieving the pre-stored virtual image in response to the determined identity (col. 4, ln. 3-6) as specified in claim 76; wherein said determining is performed based on caller identification information associated with the call (col. 4, ln. 3-6) as specified in claim 77; wherein said displaying step further comprises displaying the virtual image on the receiving party terminal during an idle period when no media information is received

Art Unit: 2621

from the calling party terminal (col. 4, ln. 38-41, only phone # is received, no media information is received within this ringing period) as specified in claim 78; wherein said displaying step includes: further comprises displaying the virtual image on the receiving party terminal during a period when only voice information is received from the calling party terminal (col.4, ln. 17-20) as specified in claim 79; further comprising selecting at least one format for transmitting media information from the calling party terminal (col. 3, ln. 2-6 and col. 4, ln. 54-63) as specified in claim 90; wherein the selected at least one format for transmitting the media information comprises at least one of the following: (a) streaming video, (b) short-time video script, (c) a still image, and (d) a virtual image created by the calling party (col. 3, ln. 2-6 and col. 4, ln. 54-63) as specified in claim 91; wherein the receiving party selects the at least one format for transmitting the media information (col. 3, ln. 2-6 and col. 4, ln. 54-63: still image) as specified in claim 93; wherein the virtual image created by the calling party comprises an avatar (col. 2, ln. 5-13: fanciful or humorous images) as specified in claim 96; and wherein the calling party selects the at least one format for transmitting the media information (col. 3, ln. 2-6 and col. 4, ln. 54-63: at least still image) as specified in claim 99. It is noted that Hsu does not particularly disclose the entire pre-stored virtual image being created by the receiving party. Since Hsu teaches the user of the system (receiving party) can make other refinements to the display and processing of the image icon and that additional information in the forms of images, text, numbers, etc can be provided with the display of the image icon. And, therefore, it would have been obvious that the user of the system, by applying the same, known refinement technique to a known device ready for

improvement to create the entire virtual image based on his/her knowledge about the calling party.

Regarding to claims 92 and 97: it is noted that Hsu does not particularly discloses wherein an identification of the selected at least one format for transmitting the media information is stored in association with calling party identification information, and determined at the receiving party terminal as specified in claim 92; and wherein the identification is provided to the calling party and the receiving party as specified in claim 97. Since Hsu teaches many format for transferring data as conformed to ITU-T standards including H.320, H.323, H.324, and T.120 and in some instances, composite video information from external cameras and still camera images are wirelessly transferred. Therefore, it would have been obvious that any chosen format of the calling party for transmitting the media information to the receiving party (col. 2, ln. 16-18) must be agreed in advance by both parties or any new transferring format must be identified in association with the calling party to successfully communicate with the receiving party.

3. Claims 94-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu, in view of Lev et al (US 5,987,327).

As applied to claim 90 above, it is noted that Hsu does not particularly discloses wherein the calling party and the receiving party negotiate the selection of the at least one format for transmitting the media information as specified in claim 94; and wherein the calling party or the receiving party can unilaterally change the selected format for transmitting the media information as specified in claim 95. Lev et al teaches that “the

ANS includes a negotiated information transfer rate and a communication path identifier. The negotiated information transfer rate reflects the minimum bandwidth requirements for the called party to complete the service. In the preferred embodiment, the negotiated information transfer rate will indicate a bandwidth requirement less than the full possible bandwidth when the call is a mobile-to-mobile call.” (col. 6, ln. 4-32). Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Hsu by allowing the negotiation between the calling party and the called party to ensure bandwidth allocation is proper for the transferring of media information and further more, the calling party would unilaterally decides on the minimum bandwidth requirement so as to complete the service.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T. Diep whose telephone number is 571-272-7328. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ND

/Nhon T Diep/
Primary Examiner, Art Unit 2621

Hsu further discloses that the user of the system (receiving party) can make other refinements to the display and processing of the image icon and that additional information in the forms of images, text, numbers, etc can be provided with the display of the image icon (col. 6, ln. 30-43). Because of that, it is respectfully submitted that at the very beginning, image is defined by the calling party and stored and the receiving party, later can make other refinements to alter the image as stored and any calls after that the refinement pre-stored image is displayed and this image is considered created at least partially by the receiving party. It is further submitted that the claim as of now does not preclude that the image displayed is entirely created by the receiving party, therefore, the rejection is still proper.